

January 30, 2006



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in ET Docket No. 05-247

Dear Ms. Dortch:

On January 18, 2006, Harold Feld of Media Access Project met with Bruce Franca, Julius Knapp, Bruce Romano, Laura Van Wazer, Alan Scrimme, Gary Thayer, Jamison Prime & Nicholas Oros with regard to the above captioned proceeding.

On behalf of CUWN, New America Foundation, and Free Press, Mr. Feld urged the Commission to find that Continental Airlines has authority to create its own wireless network without the permission of MASSPORT under the OTARD rules. Mr. Feld stressed that a decision precluding Part 15 devices from the protection of the OTARD rules would have disastrous consequences for last-mile wireless broadband. Landlords would be able to replicate the exclusive contracts that have inhibited competition with regard to wired services. As a consequence, a building might have no fixed wireless option, or the fixed wireless option might belong to an incumbent wireline provider, frustrating the effort to introduce last-mile competition. Because many community wireless networks serve individuals and organizations in leased premises, and cannot hope to pay landlords for access, failure to include Part 15 devices under the protection of the OTARD rules would fall hardest on already underserved communities.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld
Senior Vice President

cc:

Bruce Franca, Julius Knapp, Bruce Romano, Laura Van Wazer, Alan Scrimme, Gary Thayer, Jamison Prime & Nicholas Oros